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Book Reviews

MODERN AMERICAN LAW. A COMMENTARY ON THE FUNDAMENTAL PRINCIPLES OF AMERICAN LAW AND PROCEDURE, ACCOMPANIED BY LEADING ILLUSTRATIVE CASES. Prepared under the editorial supervision of Eugene Allen Gilmore, A. B., LL.B. Blackstone Institute, 20 West Jackson Boulevard, Chicago, Ill. 1914. Vol. I, pp. xxxv, 922; vol. II, pp. xxvii, 915; vol. III, pp. xxxi, 850; vol. IV, pp. xxx, 880, vol. V, pp. xxxix, 995; vol. VI, pp. xxxii, 921; vol. VII, pp. xxx, 844; vol. VIII, pp. xxix, 787; vol. IX, pp. xxvii, 833; vol. XI, pp. xxvi, 812. \$60.00 per set of fifteen volumes.

These volumes are prepared primarily for the Blackstone Institute Correspondence Law School. Instinctively the thought arises that a student can learn very little in the practical application of the law from the mere reading of text books. The Blackstone Institute recognizes this by supplementing its treatises with guides, lectures and problems. The purposes of the Institute are to provide a sound legal training for those students of the law who are unable to attend a law school, and to furnish to business men a knowledge of legal principles that will enable them to conduct their business with greater assurance and success. There will doubtless be a wide difference of opinion as to the practicability of the accomplishment of these ends.

The volumes, however, have an independent value for the lawyer apart from their use in correspondence teaching. The name of the Editor-in-Chief, Eugene Allen Gilmore, Professor of Law in the University of Wisconsin, is a sufficient guarantee that the work is well done. He has selected a list of specialists on the subjects covered. Among the contributors from the University of California are, William Carey Jones, Barry Gilbert, William E. Colby and John Wurts, exchange professor from Yale. Each volume presents a concise text book on certain branches of the law with illustrative cases at the end of each volume. A fuller treatment would be desirable in some cases, notably in the article on water rights and irrigation where the treatment of the riparian doctrine is far too fragmentary to be of real value. On the whole, however, it may be fairly said that these treatises present a well rounded view of the law of today from the enlightened point of view that comes from a thorough familiarity with the history of the law and with jurisprudence.

Modern American Law is well adapted to the use of the lawyer or student who wants not a mere statement of rules but an explanation of underlying principles, illustrated by an application to actual cases. It is not, of course, intended as a sub-

stitute for the encyclopedias. The scope is narrower, in that it does not aim to include all the case law on every subject. The scope is broader, in that it is not so rigorously tied down to decided cases but unfolds the scientific principles of the law on which the cases are based and which should govern new combinations of facts as they arise. There could be no greater misnomer than to apply the term *corpus juris* to an encyclopedia which purports to include within its scope the bewildering and myriad precedents of case law on every subject. The term should rather be applied to an orderly statement of the fundamentals, bringing under one common principle those rules which historical accident may have kept apart, ignoring local and temporary aberrations and surveying the subject with a philosophic grasp of its past, present and future. We have not such a *corpus juris* at present. Perhaps the nearest approach to it is Modern American Law.

Too much praise can hardly be given to the typographical features. The volumes are bound in morocco with flexible covers, and are of convenient size. The paper is thin but opaque, and the type is a positive delight to the eye.

A. M. K.

COMMON SENSE IN LAW. By Paul Vinogradoff. Henry Holt and Co., 34 W. 33rd St., N. Y. 1914. pp. 256. \$50.

This is one of the Home University Library Series and is designed to afford the general reader the knowledge he would like to have on subjects of living and permanent interest. This particular volume may be termed an attempt to justify the ways of law to men. It is a work sadly needed and the author has done it well. "Although the details of legal rules are complicated and technical, the operations of the mind in the domain of law are based on common sense, and may be followed without difficulty by persons of ordinary intelligence and education". In these words the author makes clear at the outset that the general principles of the law are rational and simple, while the solution of particular concrete cases can be worked out only by the trained lawyer. In other branches of human knowledge this distinction is readily understood. The layman with the average knowledge of the principles of physics and mathematics does not feel himself competent to build a bridge across San Francisco Bay, or to design a dreadnaught. In law, strangely enough, laymen, both educated and uneducated, seem to hold the notion that all legal controversies reduce themselves in the last analysis to a fundamental difference between right and wrong, which could be solved intuitively by any fair minded person, if the lawyers, for their own benefit, had not interposed a lot of arbitrary and useless technicalities to defeat justice. A careful reading of this book will show the layman the inherent difficulties of the